

REMARKS

By this Amendment, claims 1, 12, 15, and 16 are amended for clarity and claims 13 and 14 are canceled without prejudice to or disclaimer of the subject matter therein.

Accordingly, claims 1-12, 15, and 16 are pending in this application, with claims 2-4, 7-11, and 15 being withdrawn.<sup>1</sup> Support for the clarifying features of the amended claims may be found at least in paragraphs [0049]- [0089] and Figs. 1 and 3-8.

The Office Action rejects claims 1, 5, 6, 12 and 16 under 35 U.S.C. §112, second paragraph, as indefinite. These rejections are rendered moot by the amendments to claims 1, 12, and 16. Thus, Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 1, 5, 6, 12 and 16 under 35 U.S.C. §102(a) over U.S. Patent Application Publication No. 2002/0165663 (Umezu). Applicants respectfully traverse the rejection.

Specifically, Umezu at least fails to disclose the use of a release code to access the previously recorded updated map data or program, as recited in claims 1, 12, and 16. The Office Action alleges that, in Umezu, "the storing means is suitable for storing a release key received from a remote station. Thus, said storing means is inherently storing the release key" (Office Action, p. 3). This reasoning is flawed for at least the following reasons.

First, Umezu fails to disclose the use of a release key at all. In Umezu, when the on-board terminal 1 requires information from the center system 8, it generates a non-unique code (reproduced ID) corresponding to that particular information and transmits the code to the center system 8 (paragraph [0079]). Upon receipt of the code, the center system 8

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<sup>1</sup> Applicants maintain that the withdrawal of elected claims 2-4, 7-11, which are in elected Group I and read on the elected Species E1, D and Da is improper and has not been addressed by any Office Action, in spite of Applicants' express request. However, as linking claim 16 and generic claim 1 are allowable for the reasons discussed herein, Applicants simply reserve the traversal of the improper withdrawal at this time.

retrieves the information corresponding to the code and transmits the information to the terminal 1 (paragraphs [0079] and [0080]). This prevents the terminal 1 from having to send a detailed data request to the center system 8 (paragraph [0081]). Importantly, the data received by the terminal 1 from the center system 8 is ready for use, that is, it does not require any release code for its use. Thus, Umezu fails to disclose a release code.

Second, the use of a release code is not inherent in Umezu. For something to be inherent it must be the only possible result, that is, "the fact that a certain result or characteristic may occur or be present in the prior art is not enough to establish inherency of that result or characteristic" (MPEP §2112(IV), emphasis in original). The use of a release code is not required in every possible situation to access data. Thus, absent the disclosure of a release code in Umezu, the use of a release code is not inherent in Umezu, as improperly alleged by the Office Action.

Umezu also at least fails to disclose executing the ID setting instructions to obtain the unique ID after the updated map data or program is recorded, as recited in claims 1, 12, and 16. As discussed above, the center system 8 transmits the information to the terminal 1 after receipt of the code (paragraphs [0079] and [0080]). That is, in Umezu the code is generated before the updated data can be stored in the terminal 1. Thus, Umezu cannot be considered to disclose executing the ID setting instructions to obtain the unique ID after the updated map data or program is recorded, because, according to Umezu, the code (ID) is necessary to obtain the updated data.

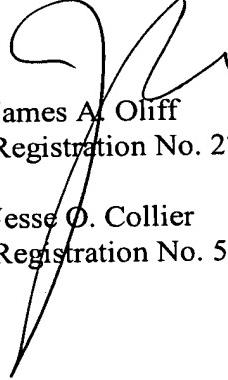
Based on at least the foregoing, Umezu fails to disclose all of the features recited in claims 1, 12, and 16. Thus, claims 1, 12, and 16 are patentable over Umezu. Furthermore, claims 5 and 6 are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite.

Finally, because linking claim 16 (and generic claim 1) is allowable, Applicants respectfully request rejoinder and prompt allowance of withdrawn claims 2-4, 7-11, and 15.

In view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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